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CLEARINGHOUSE RULE 95-155

Comments

[NOTE: All citations to “Manual” in the comments below are to the Administrative Rules Procedures Manual, prepared by the Revisor of Statutes Bureau and the Legislative Council Staff, dated October 1994.]

2. Form, Style and Placement in Administrative Code

In s. HSS 110.045 (3) (a), the acronym “EMT’s” could be used in place of the two occurrences of the phrase “emergency medical technicians,” since “EMT” is already defined in current s. HSS 110.03 (9).

5. Clarity, Grammar, Punctuation and Use of Plain Language

a. In s. HSS 110.045 (2), the word “service” should be inserted after the word “ambulance” on line 1. Also, for consistency with the language in s. 146.50 (8m), Stats., the phrase “providing services or skills that require medical direction” should be changed to read “that provide services beyond basic life support services.”

b. Section HSS 110.045 (3) (b) and (c) set forth, respectively, definitions of the terms “emergency medical technician-intermediate” and “emergency medical technician-paramedic.” These terms are already defined, in somewhat different form, in s. 146.50 (1) (g) and (h), Stats., and in current s. HSS 110.03 (13) and (14). The definitions in s. HSS 110.03 pertain to the entire chapter, while the definitions in s. HSS 110.045 (3) pertain just to s. HSS 110.045. It is confusing to have two different definitions of the terms applicable to the same section in the same rules chapter. If the department feels that the definitions in s. HSS 110.045 (3) are more suitable, perhaps those definitions should be used in place of the definitions currently provided in s. HSS 110.03 (13) and (14). Also, if the two definitions in this rule are retained, it is suggested that the citation to s. 146.50, Stats., be changed to “s. 146.50 (5).”

c. The definition of “medical director” in s. HSS 110.045 (3) (d) differs somewhat from the definition of that term in s. 146.50 (1) (j), Stats. Since the statutory definition is drafted in a clearer manner, it is suggested that the rule provision either conform to the statutory language or indicate that the term has the meaning specified in s. 146.50 (1) (j). If, however, the rule definition is retained, it should be rewritten to clarify to whom the phrases “with advanced skills” and “functioning under an approved operational plan” apply. For instance, would an EMT-basic have advanced skills?

d. Section HSS 110.045 (4) (a) (intro.) states that an ambulance service provider offering advanced life support or any service beyond basic life support must have a medical director who meets certain qualifications. It appears that the phrase “or any service beyond basic life support” is unnecessary, since the term “advanced life support” is defined in s. HSS 110.045 (3) (a) as “the use...of medical knowledge, skills and techniques...which are not included in basic life support” (emphasis added). Also, in sub. (4) (a) 2., the medical director is required to acknowledge in writing that he or she has read the medical director’s manual developed by the department. It might be helpful to insert a note after this provision indicating how persons may obtain the medical director’s manual. Also, does the department intend to develop a form on which a medical director may acknowledge in writing having read the manual? If so, information on how to obtain the form should be included in the note. If the department does not intend to provide any such form, the text of the rule should indicate in what manner and time frame the medical director must submit the requisite written acknowledgment.

e. In s. HSS 110.045 (4) (b) 1., for consistency with the statutory language in s. 146.50 (8m), Stats., it is suggested that the phrase “providing advanced life support or any other service or skill that requires medical direction” should be changed to read “that offers services beyond basic life support services.” [See also the similar phraseology used in sub. (4) (b) 2.] Also, in sub. (4) (b) 2., it is suggested that the phrase “on or after March 1, 1996” be moved to the beginning of the sentence and be followed by a comma.